

CHAPTER 13 ISSUES

PETITIONS

1. **Problem:** Filer changes “n” to “y” for deficiencies when filing new petitions
Solution: Should always leave at default of “n” regardless of if the petition is complete at the time of filing. The Court will review and issue a deficiency notice regarding the deficiencies.
2. **Problem:** Filer selects “NO” for Asset when filing Chapter 13 cases or leaves as “YES” when filing Chapter 7 cases
Solution: All Chapter 13 cases should be designated “YES” for assets. All Chapter 7 cases should be designated “N” for assets, regardless of if you think there are assets. The Chapter 7 Trustee will review and determine if there are assets.
3. **Problem:** Filer includes debtor’s full SSN on petition/using outdated forms
Solution: As of December 1, 2003, with the new Privacy Rules, new petitions are available, which will only ask for the last four digits of the debtor’s the SSN. These forms should be used for all cases filed after December 1, 2003.
4. **Problem:** E-Filing Official Form 21 as part of petition
Solution: Since the full SSN is no longer on the petition, Official Form 21 was created for verification purposes, to ensure that the correct SSN is on file with the court. These forms should not be e-filed as part of the petition. They are not part of the case file and should not be visible to the public. All individual debtors are required to prepare, sign and email this form to the Court’s designated email address: DEB_SSNVerify@deb.uscourts.gov. The subject line should contain the case number only. The body should contain only the PDF of the form.
5. **Problem:** Not curing deficiencies for:
Notice to Consumer Debtor
Statement of Intention (Ch 7)
Solution: While the Court will not dismiss the case for not curing these deficiencies, it may delay the entry of the Discharge, since all deficiencies should be cured before the Discharge can be entered.

WAGE ORDERS

6. **Problem:** Improper filing of Wage Orders
Solution: Proposed Wage Orders should not be e-filed using the event for Proposed Orders. They should be e-filed as a Motion for Payroll Deduction as follows:
Bankruptcy>Motions/Applications>Payroll Deduction-Motion
The PDF should only be the proposed form of order, no actual motion needs to be filed

7. **Problem:** Filers includes debtor's full SSN on Wage Orders
Solution: Since December 1, 2003, all proposed Wage Orders should be filed with only the last four digits of the SSN visible (i.e. ___ - ___ - 1234). Once the Order is signed, the Debtor or Debtor's Attorney can either fill in the missing digits before providing to the Debtor's employer, or attach a cover letter stating the Debtor's full SSN.

MOTIONS & OTHER DOCUMENTS

8. **Problem:** Filer does not choose proper date & time for hearings
Solution: There is a list attached which indicates what matters should be scheduled on the Confirmation Hearing Calendar and what matters should be scheduled on the Judge's Calendar. Also attached are lists of the hearing dates and times for both calendars.
9. **Problem:** Filer does not enter an objection deadline on motions
Solution: When e-filing, objection deadline must be entered on all motions that require one.
10. **Problem:** Filing Notice of Motion/Certificate of Service as separate document from pleading, rather than as attachments
Solution: When e-filing, a Motion or an Objection, the motion or objection should be the main document. Any Notice of Motion/Hearing or Certificate of Service should be filed as attachments to the main document. The Notice or Certificate of Service should not be e-filed as separate documents.
11. **Problem:** Filer not selecting the court location when filing documents requiring hearing dates
Solution: When e-filing a document to be placed on Judge's calendar, you should select "US Bankruptcy Court, 824 Market St., 6th Fl, Courtroom #1, Wilmington, Delaware" for location. If the location is known for the Confirmation Hearing Calendar, the appropriate location should also be selected.
12. **Problem:** Filer not noticing/filing certificate of service indicating that all creditors have been served when filing Motion to Dismiss or Motion to Convert, where a hearing is required.
Solution: Whenever a Motion to Dismiss or Motion to Convert is filed by a party other than the Debtor, the Motion must be noticed to all parties associated with the case and a Notice of Motion/Hearing and Certificate of Service indicating that service was made to all parties must be filed with the Motion. Also, any Motion to Convert filed by the Debtor in a case where the case was previously converted, must also be noticed to all parties and a certificate of service filed indicating that all parties were served.
13. **Problem:** Filer not choosing appropriate code when e-filing.
Solution: If you cannot find a event code that you feel is appropriate, please call the helpdesk (302-252-2887) to ask for assistance. If the helpdesk cannot offer you an alternative event code, then the Court will consider creating a new code.

14. **Problem:** Not using proper format of electronic signature
Solution: The proper format for electronic signature is: /s/ John Doe
15. **Problem:** Proof of Claims being filed without original signatures
Solution: All Proofs of Claims should contain an original signature